Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Bruce P. and India Y. Curry. The Petitioners request relief from Sections 230.1 and IA01.3.B.3 of the Baltimore County Zoning Regulations (B.C.J.E.) to permit a side yard setback of 2 feet in lieu of the minimum required 35 feet for a proposed attached garage in accordance with Petitioner's Exhibit 1.

It should be noted that this Office was originally advised by the Department of Environmental Protection and Resource Management (DEPRM) that the subject property may not be in compliance with the Chesapeake Bay Critical Areas regulations. In order to complete their investigation in this regard, DEPRM requested an extension of time for further review. I, therefore, required that the matter be scheduled for public hearing. Subsequently, by letter dated August 25, 1992, DEPRM submitted comments indicating their approval of the relief requested, subject to compliance with their recommendations. Accordingly, a public hearing is unnecessary and a decision on the matter shall be rendered based upon the documentation submitted.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the

information available, including photographs and a letter in support of the Petition from the property's adjoining neighbor, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Sections 307.1, 307.2 and 500.14 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

As noted, the subject property is located within the Chesapeake Bay Critical Areas of Baltimore County. Therefore, in accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

> 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

2) Conserve fish, wildlife, and plant habitat; and

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is

- 2-

ORDER RECEIVED FOR F Date By

compliance with the requirements of the Department of Environmental Protec-

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

by GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building

completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their

Three copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Host property

wide. *Being Lot # 2/2,

descriptions, as stated on a deed, do not have adequate information. The zoning

ZONING DESCRIPTION FOR __ 5819 Stevens Rd

wide at the distance of SOUTHEAST CORNER of the (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street BAKER AVE

as recorded in Baltimore County Plat Book # 7, Folio #187, containing

and located in the //* Election District, 5 Councilmanic District

Block ____, Section # ___ in the subdivision of BIRD RIVER BEACH

description must be in the following form:

(number of feet of right-of-way width)

LES:bjs

Zoning Commissioner for Baltimore County

tion and Resource Management as more fully described below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____day of September, 1992 that the Petition for Administrative Variance requesting relief from Sections 230.1 and 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 2 feet in lieu of the minimum required 35 feet for a proposed attached garage in accordance with Petitioner's Exhibit 1, be and is here-

> permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and comments dated August 25, 1992, attached hereto and made a part hereof

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

September 11 1992

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887 4386

Mr. & Mrs. Bruce P. Curry 5819 Stevens Road White Marsh, Maryland 21162

RE: PETITION FOR ADMINISTRATIVE VARIANCE E/S Stevens Road at SE/Corner Baker Avenue (5819 Stevens Road) 11th Election District - 5th Councilmanic District Bruce P. Curry, et ux - Petitioners Case No. 93-11-A

Dear Mr. & Mrs. Curry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> LAWRENCE E. SCHMIDT Zoning Commissioner

LES:bjs

for Baltimore County cc: Chesapeake Bay Critical Areas Commission 45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM

People's Counsel

Young	Yoursen, Maryland	
Posted for: Vallenco	Date of Posting 76/12	
Potitioner: Byucy + Fredie Gun	· · · · · · · · · · · · · · · · · · ·	
Location of property: 5819 Stevens Al	en Elsottong Balt-An	
Location of Signe Facing Stores	Rd on from forly Pot hours	
Remarks:		
Posted by Mealy	Date of return: 7/7/92	

PURCE BEINDERFRE LEE OFO CHERRIC MONTONE CONTRACT

COMPOSED FOR CONTRACTOR CONTRACTOR OF THE CONTRA

Please Make Checks Payable To: Raitimore County

Baltimore County **Zoning** Commisioner County Office Building 111 West Chesapoake Avenue Towson, Maryland 21204

Account: R-001-6150

- Hill defended.

04A04 ND113HICHRO BA C011:23AMD7-23-92

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section____

230.1 \$ 1A01.3 13 3 To allow a side year setback of 2' in lieu of the require 35' of the Zoning Regulations of Baltimore County for the following reasons: (Indicate hardship or practical difficulty)

construct attached garage in place of existing camport to provide more security

for auto. cannot exect behind house because of SEPTIC SYSTEM location.

Property is to be advertised and/or posted as prescribed by Zoning Regulation I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of BaltimoreCounty adopted pursuant to the Zoning Law for

Live do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject BRUCE P. CURRY INDTA 4. CURRY India M Cury 5819 Stevens Pd 335 6664 (type or print name) white Marsh MD 21162 Home, address and phone number of gamer, contrast purchaser of SAME AS ABOVE

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner Of Baltimore County, this _____ day of _____, 19___, that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

AFFIDAVIT IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows That the information herein given is within the personal knowledge of the Affinet(s) and that Affinet(s) in/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affant(s) does/do presently reside at 5819 Stevens Rd White Mansh That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrati

carport now in existence in order provide more security for auto Cannot stack to rear of lours ar jungo would sit over settle line of tanh. Connot attack to raker are side because of property of county road

That Affant(s) acknowledge(s) that if a protest is filed, Affant(a) will be required to pay a reposting and advertising fee and may be required to provide additional information.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CHRYSTY, this 29 th day of To nace 199 L., before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appear

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made outh in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Sea 169/12

correct location.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber ____, Folio ____ and include the measurements and directions (metes and bounds only) here and on the plat in the

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

111 West Chesapeake Avenue Towson, MD 21204

August 10, 1992

(410) 887-3353

Mr. & Mrs. Bruce P. Curry 5819 Stevens Road White Marsh, MD 21162

> RE: Item No. 6, Case No. 93-11-A Petitioner: Bruce P. Curry, et ux Petition for Administrative Variance

Dear Mr. & Mrs. Curry:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

7479.92

Your petition has been received and accepted for filing this 23rd day of July, 1992

NOLD JABIAN

Received By:

Chairman, Richard

Petitioner: Bruce P. Curray, et ux
Petitioner's Attorney:

Printed on Recycled Paper

DPW/Developers Engineering Division (Public Services) 08/06/92 Development Review Committee Response Form
Authorized signature Development Date 8/0/92 File Number Waiver Number Zoning Issue Meeting Date Raymond F. And Deborah D. Borsetti 8-3-92 NC DED DEPRM RP STP TE Robert L. And Jeannette McElroy DED DEPRM RP STP TE J Gary G. And Ilene S. Waitt DED DEPRM RP STP TE Bruce P. And India Y. Curry DED DEPRM RP STP TE Herbert B. And Edith G. Querido DED DEPRM RP STP TE NC DED DEPRM RP STP TE Arthur Thomas Ward, III DED DEPRM RP STP TE COUNT 14 FINAL TOTALS COUNT 17

*** END OF REPORT ***

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING

New Courts Building

401 Bosley Avenue

Arnold Jablon, Director - Zoning Administration & Development

PETITIONS FROM ZONING ADVISORY COMMITTEE - August 3, 1992

The Office of Planning and Zoning has no comments on the

- ITEM 64

- ITEM 17

- ITEM 9

If there should be any further questions or if this office can

provide additional information, please contact Francis Morsey

in the Office of Planning and Zoning at 887-3211.

ITEM 8

Towson, MD 21204

Ervin McDaniel, Chief

following petitions:

BRUCE & INDIA CURRY

WORTMAN, JOHN & MARY

WARD, ARTHUR THOMAS

BORSETTI, RYAMOND & DEBORAH - ITEM 25

MCELROY, ROBERT & JEANNETTE - ITEM 26

HIBBARD, EMMA

August 4, 1992

Development Review Section

Office of Planning and Zoning

ZONING OFFICE

8_3_92.TXT Petitns.txt

MEMORANDUM

08/06/92 Development Review Committee Response Form Authorized signature ___ Kakee j Famil A: Date \$/10/97 Project Name Meeting Date Gary G. And Ilene S. Waitt DED DEPRM RP STP TE Bruce P. And India Y. Curry DED DEPRM RP STP TE Herbert B. And Edith G. Querido DED DEPRM RP STP TE Emma E. Hubbard DED DEPRM RP STP TE Arthur Thomas Ward, III DED DEPRM RP STP TE COUNT 14 FINAL TOTALS COUNT 16

* * * END OF REPORT * * *

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

Mr. Arnold Jablon, Director
Zoning Administration and Development Management

J. Lawrence Pilson July (Amb)
Development Coordinator DEPARM

FROM: J. Lawrence Pilson JUP (AM)
Development Coordinator, DEPRM
SUBJECT: Zoning Item #6

5819 Stevens Road - Curry Property
Zoning Advisory Committee Meeting of August 3, 1992

BALT MORE COUNTY, MAR AND

The Department of Environmental Protection and Resource Management requests an extension for the review of the above referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Division of the Department at 887-2904 for details.

JLP:sp

JABLON/S/TXTSBP

PECATVED

AUG 13 1992

Bal	timore County Government Fire Department	8/10/92 7387.90 V
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700 East Joppa Road Suite 901 Towson, MD 21204-5500	AUGUST 6, 1992	(410) 887-4500
Arnold Jablon Director		
Coning Administration and Development Management		
Baltimore County Office Bui	lding	
Towson, MD 21204		
RE: Property Owner: BRUC	E P. CURRY AND INDIA Y	• CURRY
Location: #581	9 STEVENS ROAD	
Item No.: *6 (LJG)	Zoning Agenda: AUG	GUST 3, 1992
Gentlemen:		
Pursuant to your request, the comments of the corrected or incorporated in	B Delow are applicable	and required to be
5. The buildings and struct shall comply with all applice Protection Association Standardition prior to occupancy.	Cable requirements of talling and No. 101 "Life Safe	he Netional Piro
REVIEWER: Capt John Dei	Noted and	
Planning Group	Approved Fire F	revention Bureau

AUG 10 1992

Special Inspection Division

JP/KEK

ZONING OFFICE

Authoriz e d sig	view Committee Respondenture	alledin	Date \$
Project N. File Number	ame : Waiver Number	Zonina Issue	Mark! n.
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* * * END OF REPORT * * *

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

Mr. Arnold Jablon, Director Zoning Administration and Development Management

DATE: August 25, 1992

J. Lawrence Pilson Development Coordinator, DEPRM

Zoning Item #6 5819 Stevens Road

Zoning Advisory Committee Meeting of August 3, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

See attached Chesapeake Bay Critical Area Findings.

JABLON/S/TXTJEU

TEGETVEN

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

DATE: August 24, 1992

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director

Office of Zoning Administration and Development Management

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 6 Curry Property Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 5819 Stevens Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Bruce P. Curry

APPLICANT PROPOSAL

The applicant has requested a variance from section 1A01.3.B.3 of the Baltimore County Zoning Regulations to permit a sideyard setback of two feet in lieu of the required 35 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

"Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

Conserve fish, wildlife and plant habitat; and

Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Mr. Arnold E. Jablon August 24, 1992

REGULATIONS AND FINDINGS

 Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)

Finding: There are no tidal waters, tidal wetlands or tributary streams on or within 100 feet of this site, therefore this property is in compliance with the above regulation.

Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of this site, therefore this property is in compliance with the above regulation.

Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot, parcel or property proposed to be developed, except that lots less than or equal to one acre each, and located in a subdivision approved after June 1, 1986 may contain impervious areas up to 25% of the lot" <Baltimore County Code, Section 26-453(e)>.

Finding: The current impervious surface area on this site is 3,484 square feet or 34.8% of the property area. The proposed addition brings the total proposed impervious surface area to 3,517 square feet or 35.2% of the property area. Since this property currently exceeds the 25% impervious surface limit, the current percentage may be maintained during redevelopment of the property. In order to maintain the current impervious surface area, the macadam driveway will be removed and replaced with gravel on a filter-fabric base.

Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)(e)>.

Finding: This site currently contains sufficient vegetation to meet the required 15% forest cover.

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

Mr. Arnold E. Jablon August 24, 1992 Page 3

5. <u>Regulation:</u> "The stormwater management system shall be designed so that infiltration of water is maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-453(h)(2)>.

<u>Finding:</u> Stormwater runoff shall be directed from impervious surfaces associated with this plan to pervious areas to encourage maximum infiltration. To meet the above regulation rooftop runoff shall be directed through down-spouts and into drywells sized to treat the first 1/2 inch of runoff, to encourage maximum infiltration (See attached information).

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

> Department of Environmental Protection and Resource Management

JJD:MM:ju

Attachment CURRY/TXTNSS

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

August 28, 1992

(410) 887-3353

Bruce and India Curry 5819 Stevens Road White Marsh, Maryland 21162

Re: CASE NUMBER: 93-11-A

Dear Petitioners:

Please be informed that your file has been reviewed. The Commissioner's Office did not grant or deny the requested relief. Instead it was determined that this matter be set in for public hearing.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in two local newspapers and that you will be billed for the repostig and advertising costs.

Formal notification of the hearing date will be forwarded to you shortly.

Very truly yours,

Zoning Commissioner of Baltimore County, Maryland **Baltimore County Government** Office of Zoning Administration and Development Management Office of Planning & Zoning

JULY 30, 1992

(410) 887-3353

111 West Chesapeake Avenue Towson, MD 21204

> Bruce P. Curry and India Y. Curry 5819 Stevens Road

White Harsh, Maryland 21162

5819 Stevens Boad 11th Election District - 5th Councilmenic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case refresher regarding the administrative process.

1) Your property will be posted on or before August 10, 1992. The closing data is August 24, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deep the requested relief, or (c) demand that the matter be set in for a public hearing. You, will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORMARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

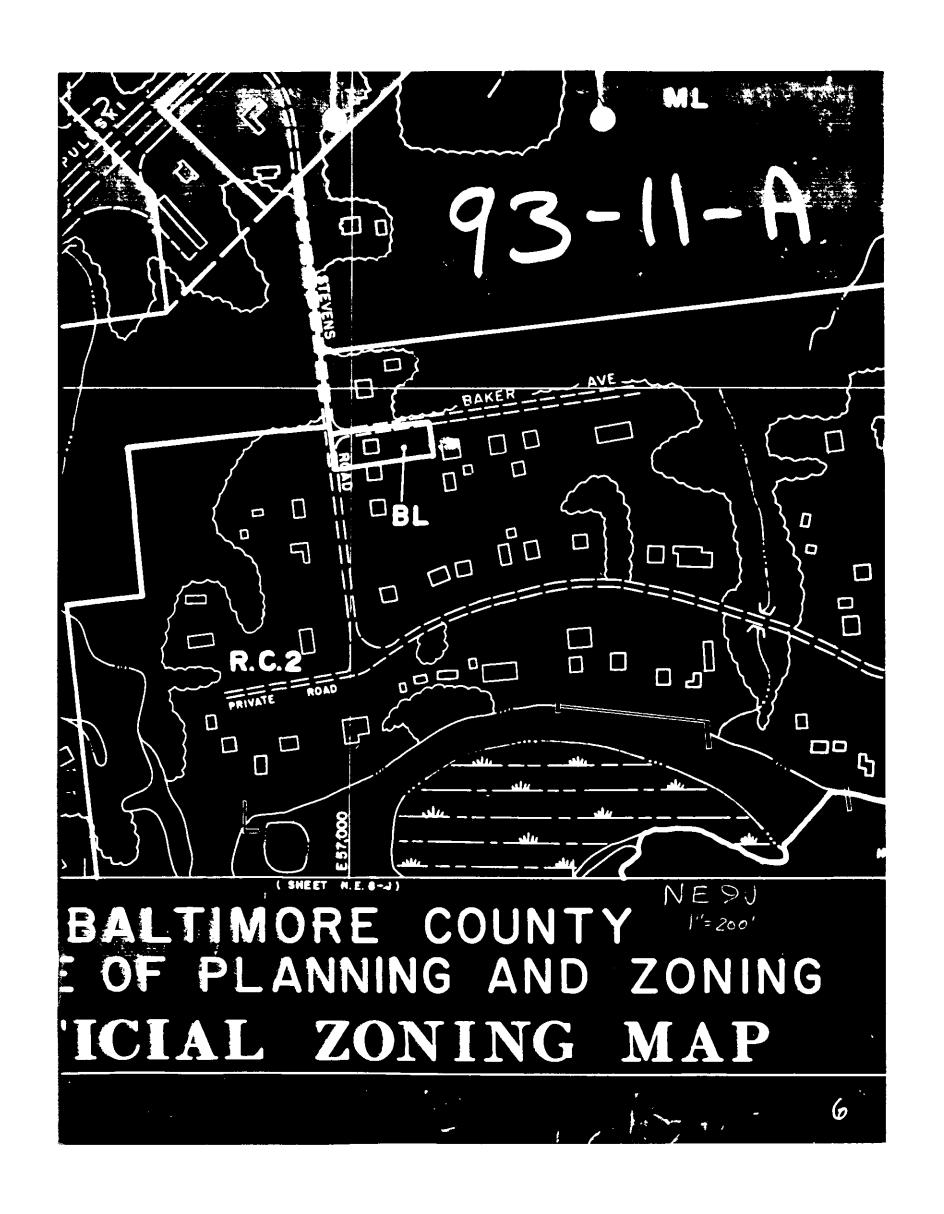
Here is the letter you requested & obtain from my seighbor pertaining to race 93.11-A. a ny question, please call 335 6664

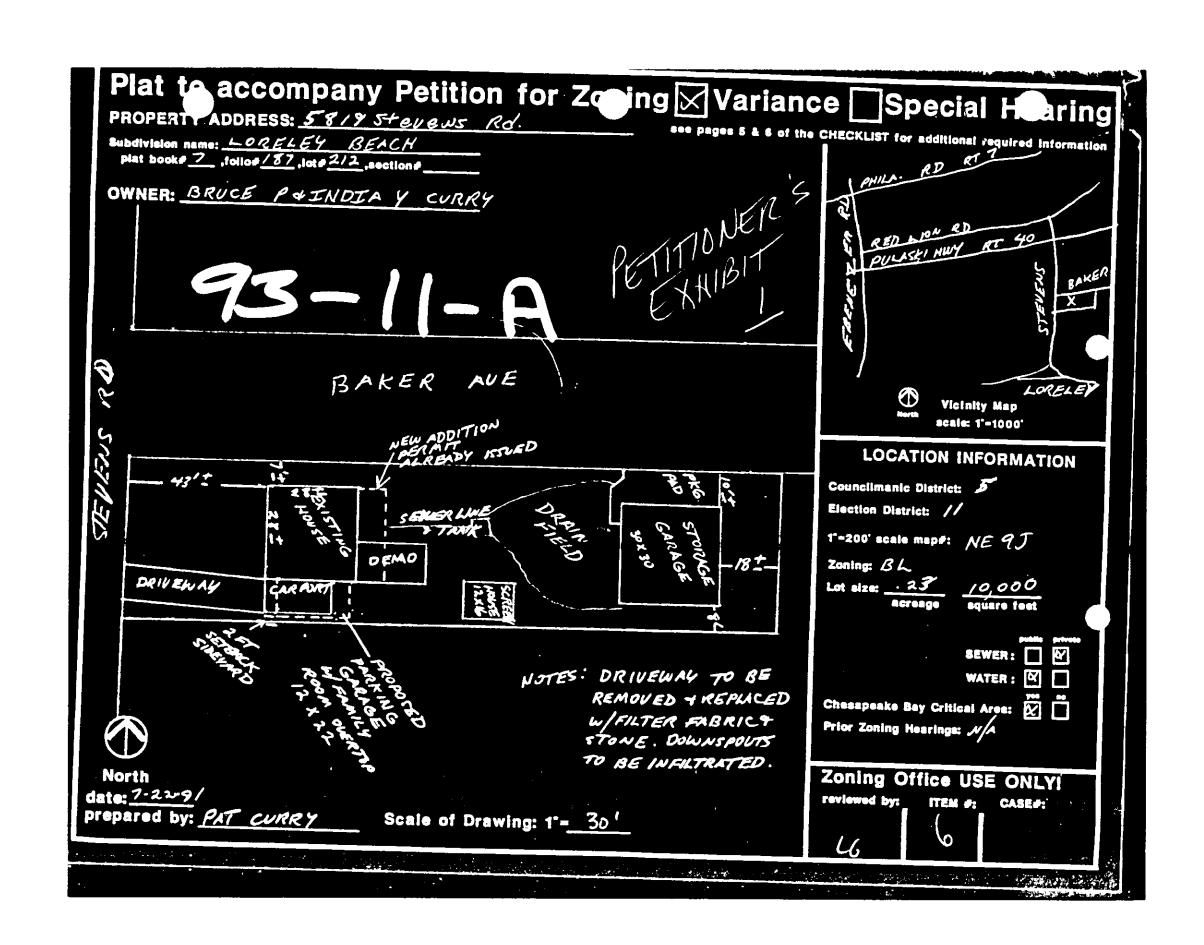


ZONING CITICE

To Waxay Schmidt:

Nest don neighbor





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